Province of British Columbia
MINISTRY OF ATTORNEY GENERAL

1993-94 ANNUAL REPORT ON MULTICULTURALISM

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Statement from Deputy Ministers

We are pleased to introduce the first Annual Report on Multiculturalism from the Ministry of Attorney General of British Columbia.

The Multiculturalism Act of British Columbia recognizes the inherent strength of a diverse population. As Canadians, we endorse a multicultural society, valuing diversity as a basic Canadian tradition. As British Columbians, we have seen our population change dramatically over the last decade, and we have reaped the benefits of these changes. And as Deputy Ministers of the Ministry of Attorney General, our responsibility is clear: we must strive to ensure that all people of British Columbia are able to access the services of the Ministry, and that when they encounter the justice system, they are treated fairly.

We have all been taught to believe in the fairness and objectivity of the justice system. Many of us have trusted in the traditional justice system to deliver equitable treatment to all. However, this trust is not always warranted. Racism exists. Systemic discrimination is a real problem, which has to be faced directly. Justice is said to be blind. But we now know that a justice system which is blind to differences between people, and their different needs, does not reflect the social and cultural realities of our province. Discretionary judgments are made daily in the treatment of people, both within the Ministry itself, and by the justice system as a whole. We are personally committed to ensuring that this discretion does not favour any one segment of society but responds in an appropriate manner to all British Columbians, including cultural minorities and people of colour, who many times have been treated unfairly.

Responding fairly to the diversity of our population is not a burden, it is an opportunity. We have a great deal to learn from the experiences and traditions that are represented in the communities which make up this province–experiences and traditions which can help us improve how conflict is resolved, how victims are assisted, how offenders are re-integrated into communities and how we deliver the many other services of this Ministry.

Embracing multiculturalism as not only a policy but also as a way of administering justice to British Columbians will ensure a constantly evolving justice system which increasingly meets the needs of us all.

Maureen Maloney
Deputy Minister

Brian Neal
Deputy Attorney General

Contents

Preamble 2

Corporate Commitment and Communication 3

Goals and Objectives 4

Review of Structures, Programs, Services, Policies and Legislation 5

Implementation Structures 5
Programs and Services 5
Policies 6
Reviews, Research and Evaluations 7
Legislation, Programs and Services 7
Crime Prevention 8
Police 9
Criminal Code Offences 9
Court Process 10
Corrections 10
Civil Law 11
Awareness/Education Sessions 11

Overview of Process 12

Preamble

The Ministry of Attorney General is responsible for the administration of justice within British Columbia. Justice services are delivered to all of the populace through a wide range of mechanisms, many of which are specifically adapted for the special needs of those in remote areas, those whose first language is not English, people who may experience barriers because of disabilities, age, poverty or for other reasons. As the population changes and comes to expect a higher standard of delivery of justice services to all people, the Ministry strives to review and improve its administration of justice by increasing the involvement of communities in partnerships with the Ministry.

The 1993-94 Ministry of Attorney General's Annual Report on Multiculturalism summarizes many of these initiatives. However, it does not reflect those initiatives which are intended to address the needs and concerns of the aboriginal people of B.C. It is the view of the Ministry that there are distinct justice and social issues resulting from the different nature of multicultural and aboriginal populations.

'Multicultural' generally refers to two types of communities:

- relatively recent immigrants to Canada who retain some of the cultural features of their origins, and

- indigenous ethnic minorities (e.g., Jews, Black Canadians) who may have a distinct cultural identity.

'Aboriginal' refers to indigenous communities ('without origin' elsewhere), which claim inherent rights to self government as well as cultural features, both of which often have been displaced by the dominant culture.

The Ministry has taken the position that the issues arising in these two groups cannot be merged. However, models for responding to aboriginal communities may, by way of comparison, provide information that is useful in the development of responses to multicultural communities.

This annual report includes activities undertaken by the Ministry as both an employer and provider of services, as well as initiatives in which we have participated with our justice partners, such as the police and the judiciary.

Corporate Commitment and Communication

The Ministry of Attorney General has expressed its commitment to ensuring that all British Columbians are given fair and equitable access to justice both through explicit statements and policies, and the funding and delivery of services designed to meet the needs of the diversity of its populace.

The Honourable Colin Gabelmann, Attorney General, stated in the 1992-93 Annual Report of the Ministry of Attorney General:

> *We are inviting British Columbia's communities to play a larger role in the justice system. Another major priority of the ministry has been to improve the way the justice system treats those whom it has not served well in the past: Aboriginal people, women, visible minorities and people with disabilities.*

The Attorney General further expressed his intent to rid the Ministry, as a workplace, of both intentional and systemic discrimination, in a widely distributed publication on employment equity. This brochure states:

> *The Ministry of Attorney General is committed to ensuring the elimination of any unfair barriers in employment policies and procedures.*

Corporate support for diversity and the elimination of inequities in the workplace was urged by E. Robert Edwards, then Deputy Attorney General, in October, 1992, in a memo to all Ministry employees:

> *Every employee is expected, in the way she or he deals with co-workers or with members of the public, to reflect our ministry's respect for all individuals regardless of racial or ethnic background, gender or disability. Your support and cooperation are essential to our success with this initiative.*

In 1993-94, the Ministry of Attorney General affirmed its commitment to improving the justice system for all people by adopting 'equity' as one of its priority strategic initiatives. Equity initiatives include, but are not confined to, multicultural issues. This strategic priority was communicated to the Ministry staff, and has since been re-confirmed by an article in the Ministry of Attorney General newsletter, which is distributed to all employees of the Ministry. In November, 1993, the Executive Committee of the Ministry of Attorney General adopted an interim action plan for multicultural issues, which articulates a goal of fairness and equitable treatment of ethno-cultural minorities.

Goals and Objectives

The Ministry of Attorney General has a broad range of initiatives relevant to multicultural justice issues, needs and services. These initiatives are not limited to visible minorities. Although it is true that visible minorities are more likely than Caucasians to experience overt discrimination as a result of racist attitudes, not all cultural communities with special needs are visible minorities. In some cases, the cultural values and traditions, rather than the visible minority status of the members, make the use of the justice system difficult, as a result of 'adverse effects discrimination'.

As stated earlier, the Ministry's interim action plan for multicultural issues articulates a goal of fairness and equitable treatment for ethnocultural minorities, and outlines a strategy for identifying the diverse needs of a wide range of ethnocultural communities in B.C., as well as specific directions where these needs have already been identified.

The action plan states the following goal:

> *To make the justice system more equitable, fair and responsive to the unique needs of the various cultural communities of B.C., including, but not limited to, visible minorities, immigrants, aboriginal people and subcultures within each of these cultures.*

The action plan also states the following objectives of the Ministry's response to the needs of a multicultural British Columbia.

> *The justice system must:*
>
> - *identify justice issues and existing responses to multicultural communities;*
> - *ensure equal access to justice programmes and employment;*
> - *promote equality in the use of discretion throughout the criminal justice process;*
> - *assist cultural minorities in crime prevention within their communities;*
> - *promote fair treatment of cultural and visible minorities by the police; and*
> - *ensure that justice institutions have policies and programs which meet the needs of cultural and visible minorities.*

Review of Structures, Programs, Services, Policies and Legislation

IMPLEMENTATION STRUCTURES

The following structures of the Ministry of Attorney General have, as their primary focus, a mandate to develop or implement policies, programs and research designed to identify and respond to the needs of ethnocultural communities:

- Ethnocultural Equality Working Group
- Employment Equity Division
- Community Policing Advisory Committee

The Ministry of Attorney General also has a wide range of committees which are engaged in identifying and responding to the needs of ethnocultural communities within a broader mandate of responsibility. These include, but aren't limited to:

- Interministerial Committee on Criminal Gangs
- Family Justice Reform Committee
- Violence Against Women and Children in Relationships Committee
- Sexual Assault Committee
- Literature Review Committee

PROGRAMS AND SERVICES

The ministry provides some direct services to cultural communities within its justice institutions. The ministry provides funding support to community police stations, two of which are designed to serve the needs of particular communities (Chinese and aboriginal).

The ministry funds a variety of community agencies which provide services to people from cultural minority communities. Funding is provided to the Law Courts Education Society, the Peoples Law School, the Legal Services Society, as well as to programs such as the Victim Assistance Programs.

These agencies provide extensive links between the Ministry and the communities throughout B.C. Services and information are provided in multiple languages, with attention to culturally appropriate delivery. The funded agencies are valuable resources to the ministry in terms of providing information about community needs and priorities. In some cases, they act as advisory groups when specific policy or program issues arise.

POLICIES

The following is a brief summary of the major policy activities undertaken by the Ministry of Attorney General to address multicultural issues. This summary is not comprehensive.

Branch Level:

Within the Ministry of Attorney General, each branch is responsible for developing policies which address its own operational requirements. As an example, Court Services Branch has developed policies on court interpreters. Police Services Division (which is now a division within the Public Safety and Regulatory Branch) has developed policy recommendations regarding the uniform regulations of the *Police Act* to allow variations on existing uniforms for religious reasons (e.g., Sikh turbans). Corrections Branch has supported research to determine whether there are policy or program requirements to address inmates from cultural minority groups.

Ministry Level:

Where policy or program issues have implications for more than one branch of the ministry, the central Policy Division becomes involved. The Ethnocultural Equality Working Group meets to review issues and priorities for the ministry. Examples of the Working Group's activities include a review of the issues pertinent to the new *Multiculturalism Act*, management of research projects (on jury selection, representation of ethnocultural minorities in correctional facilities) and development of positions on issues raised at the interministry or national level.

Interministry Level:

The Ministry of Attorney General is a member of the Interministry Multiculturalism Committee. This Committee provides cross-ministry information sharing on issues, such as training for cultural competency and existing programs and services. It also reviews policy issues relevant to multiculturalism.

National Level:

B.C. and the federal Department of Justice co-chair a national working group on multicultural justice issues. This committee, the Working Group on Multicultural and Race Relations in the Justice System, is a subcommittee of the Coordinating Committee of Senior Officials (CCSO). The CCSO has representation from all justice ministries in Canada and reports to the Deputy Ministers Responsible for Justice.

The working group has defined broad areas of concern, and is undertaking policy reviews, legal and empirical research, and pilot projects to address these areas.

REVIEWS, RESEARCH AND EVALUATIONS

The Ministry has either undertaken or contributed substantively to the following reviews and research to identify multicultural needs within the Ministry and the justice system:

- the gender bias and the law initiatives, including responses to the Law Society of B.C. and federal initiatives, both of which have identified race as one of the double burdens experienced by women in accessing justice;

- the Employment Equity Initiative of the B.C. Provincial Government (which has identified four groups as targets: visible minorities, persons with disabilities, women, and aboriginal people);

- public legal education (PLE) research, including a joint B.C. and federal study of the needs of aboriginal and multicultural groups for PLE, a comparative law study by the Law Courts Educational Society, and a community needs study planned by the People's Law School to determine detailed PLE delivery preferences for different public sectors;

- a Courts registry public information needs assessment by the Ministry of Attorney General which has indicated some racial and ethnic differences in public responses to the information provided by Courts;

- a census and review of the needs of ethnocultural minority inmates in B.C. correctional facilities.

LEGISLATION, PROGRAMS AND SERVICES

Employment Equity:

The Ministry has delivered a training program to raise staff awareness regarding the meaning of and need for employment equity and diversity. These initiatives, which include cross cultural training and a managing diversity program, consist of both workshops, and printed and video resources ("A Question of Balance").

Equal Access to Justice:

B.C. has a large immigrant population, some of whom experience language and cultural barriers in understanding the law and using the justice system.

The Ministry of Attorney General and its funded agencies continually monitor the effectiveness of programs and resources designed to reach out to these communities and ensure that information is accessible by those who may experience these barriers.

- British Columbia has a major commitment to the development and delivery of multicultural public legal education and information programs. Information about the laws, the justice system and specifically the courts is widely available in translation, as required by various immigrant-based communities.

- Equity initiatives include cross-cultural training for justice personnel (including police, court workers and other Ministry of Attorney General staff). The ministry has assisted local police departments in the development of employment equity policies for hiring.

Discretion:

Little is known in B.C. about the differential affect of the justice process on people from multicultural communities or people who are visible minorities. It is possible that people who experience cultural or racial barriers may be treated differently at certain discretion points, such as arrest, sentencing, jury selection or parole.

The Ministry of Attorney General's Ethnocultural Equality Working Committee is working with the national Working Group on Multicultural and Race Relations in the Justice System to identify and carry out priority empirical research to determine whether systemic bias of this sort exists.

CRIME PREVENTION

Media coverage of criminal gang activity in B.C. has lead to a widespread belief that immigrant-based criminal gangs are a serious problem. Some of these gangs appear to be racially and culturally defined, and some are known to have connections to international organized crime. Concerns have been raised by ethnocultural communities regarding how to prevent gangs from recruiting youth who are new to Canada, and how to reduce the victimization of people from cultural communities who may be targeted as victims by criminal gangs.

The Ministry of Attorney General is studying criminal gang activity in B.C. A preliminary study indicates that Caucasians make up the single largest group of incarcerated gang members in this province. However, a clear majority of those incarcerated are from visable minorities. It is clear that communities, including multicultural communities, need assistance in addressing the issue. The Ministry has a gang and youth crime prevention program initiative which addresses issues relevant to multicultural youth. Resources and programs have been developed to assist families and schools in their efforts to prevent immigrant youth from being recruited into criminal gangs or becoming victims of gang activity.

These include:

- grants to youth groups and communities, including multicultural organizations, for youth crime prevention initiatives;
- printed information such as 'Learning About the Law', a guide to the law and justice system of Canada which has been printed in Chinese, Vietnamese, Punjabi and Spanish;
- support to the Vancouver Police Department and other municipal police forces to enhance their School Liaison Officer Program;
- summer programs which target youth at risk for criminal gang involvement;

- a 'gang/youth contact line', a telephone service which enables people to provide information to police regarding gang and youth violence on a confidential basis;

- a youth theatre program which provides information to students on how to avoid gang involvement; and

- videos which graphically illustrate the process by which gangs recruit youth.

POLICE

There have been a number of incidents in B.C. which have led to allegations of police racism, including rough treatment of suspected offenders and racist behaviour towards ethnic police by their colleagues.

In response to these concerns:

- The Attorney General established the Oppal Commission on Policing in B.C. to investigate police accountability to the public at large. This commission reported to the Minister in September, 1994 with a wide range of recommendations to address community concerns.

- The Ministry has a multicultural advisory committee consisting of representatives of community groups, police and the Public Safety and Regulatory Branch of the Ministry. The committee has assisted in the development of policies and training for police.

- The Ministry has sponsored cross-cultural training for municipal police. The training incorporates techniques of conflict management as well as information and experiences with other cultures.

CRIMINAL CODE OFFENCES

There has been a marked increase in the activity of right-wing extremist groups in B.C. These groups have opened a racist 'hot-line', which provides taped messages to callers, and have allegedly recruited high school students to their organizations. Racist acts, such as vandalism of churches and hate propaganda, have caused community concern, and a call for changes to the *Criminal Code* to assist the police in responding to these events.

The Ministry of Attorney General is working with the national Working Group on Multicultural and Race Relations to determine the nature of hate-motivated activity and potential responses which would be effective in curtailing it.

COURT PROCESS

As there are many people in B.C. whose first language is not English, court interpretation is a concern, both in terms of the number of interpreters available and the standards for training and certifying interpreters. The availability of information about the court has also been a concern.

Some justice system personnel have raised concerns regarding witnesses from multicultural communities, specifically difficulties in getting witnesses to participate in the justice process, and ensuring that witnesses obtain necessary information in a language which they can understand.

- The Ministry has developed policies for court interpretation and has established standards for accrediting interpreters. A differential fee schedule encourages interpreters to seek accreditation.

- The Ministry supports a major court information and education program which assists multicultural and aboriginal communities in obtaining information which they need to use the justice system.

CORRECTIONS

Although a number of policy and program initiatives have been provided in support of aboriginal inmates, little was known in the past about the needs of multicultural and visible minority inmates in B.C. correctional facilities. These needs may include cross-cultural training for personnel, policies regarding religious observances or diet needs, language training for inmates who do not speak English (particularly youth), and policies which may assist the facilities in dealing with incidents of racism.

In the past year, the Ministry has undertaken research to obtain baseline information on the representation of ethnic communities in correctional facilities and an assessment of the perceived needs of these prisoners, both from their point of view and that of the staff. Corrections Branch has developed a plan for responding to these issues and the recommendations emerging from the research. In addition, the following points are worth noting.

- Current Corrections Branch policy allows cultural practices (e.g., dietary, dress) unless these practices pose a health or safety risk. For example, baptized Sikhs are not allowed to wear kirpans in correctional facilities, and must substitute photographs of kirpans.

- Programming in correctional facilities currently accommodates a number of cultural practices; however, these are largely confined to aboriginal needs at present (e.g., sweat lodges).

- Chaplains arrange for attendance of spiritual leaders from other denominations for those who are not Christian. This may be regularly scheduled or as needed, depending upon demand.

- Workshops on multiculturalism have been held in various locations for both staff and young offenders in custody.

- As part of the new Family Justice Centre Pilot Project in Kitimat, services including interpreters, written materials in a variety of languages, and cross-cultural training, are planned.

- Corrections Branch has two culturally specific programs for assaultive husbands, designed to be particularly suited both to the language and the traditions of the affected communities.

CIVIL LAW

Recent reports have identified needs of members of multicultural communities in the area of family law. Issues include problems of access to services as well as a need for information about family court processes.

The Ministry provides court interpreters for Provincial Court (Family) matters, and is currently exploring ways to better meet the needs of multicultural communities in the family law area.

AWARENESS/EDUCATION SESSIONS

As noted throughout this report, the Ministry is engaged in a variety of education and awareness initiatives relevant to multiculturalism. These efforts include employment equity training programs which raise staff awareness regarding the meaning of and need for employment equity and diversity, as well as cross-cultural training and managing diversity programs. The latter consists of both workshops, and printed and video resources.

Educational sessions have also been provided for staff engaged in provision of service to the public. For example, cross-cultural training sessions have been given to court personnel, and members of the police and the judiciary have well-developed cross-cultural training curricula.

In addition to providing justice personnel with information and education regarding the needs of the multicultural communities, the Ministry of Attorney General has a long tradition of ensuring that members of the public who may experience cultural or language barriers in accessing justice services are given particular attention through multicultural public legal education and information resource development and program delivery. Information about the laws, the justice system and specifically the courts is widely available in translation, as required by various immigrant-based communities.

Overview of Process

The Ministry of Attorney General has devoted a significant level of staff time and resources to ensuring that the Ministry as an employer as well as the Ministry as a service provider reflects the principles which are articulated in the *Multiculturalism Act*.

As we review our progress, we recognize that there are additional needs which must be addressed. The Ministry is currently reviewing its management of equity and diversity activities, and intends to develop structural options for ensuring that our activities in this area are maximally effective for the resources available.

As the population of British Columbia continues to change, the Ministry of Attorney General will continue to strive to ensure that the justice needs of all British Columbians are recognized and addressed.

Notes . . .